

Message Text

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ACTION SCA-01

INFO OCT-01 ARA-14 ISO-00 SCS-05 DHA-05 H-02 L-03
/031 W

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 4519

ALL USCONS MEXICO BY POUCH

UNCLAS SECTION 01 OF 02 MEXICO 14264

EO 11652: N/A

TAGS: CGEN, CARR, MX

SUBJECT: TREATMENT OF AMERICANS IN FOREIGN JAILS

REF: STATE 184194

SUMMARY: FOR DEPARTMENT'S ASSISTANCE IN REPLYING TO SPARKMAN/CASE LETTER, EMBASSY AND CONSTITUENT POSTS HAVE REVIEWED INFORMATION ON PRISONER PROBLEM REPORTED IN MEXICO 9237 OF JUNE 7 AND BELIEVE IT IS STILL VALID. PROBLEMS CONTINUE TO ARISE IN ALL ASPECTS OF PRISONER SITUATION, BUT COOPERATION BY MEXICAN GOVERNMENT CONTINUES TO IMPROVE. ANY REPRESENTATIONS TO GOM AT THIS TIME SHOULD BE MADE WITHIN CONTEXT OF DEGREE OF COOPERATION RECEIVED AND PRACTICAL PROGRESS MADE. EMBASSY RECOMMENDS DEPARTMENT SEEK TO ESTABLISH CONSENSUS WITH CONGRESS ON LEVEL OF ASSISTANCE WE SHOULD AIM AT PROVIDING PRISONERS AS NECESSARY PRELIMINARY TO DECISION TO INCREASE CONSULAR STAFFING FOR THIS PURPOSE. DEPARTMENT SHOULD ALSO CONSIDER THAT OTHER ALTERNATIVES, SUCH AS PROVIDING FUNDS TO HIRE COMPETENT LAWYERS, WOULD BE OF MORE PRACTICAL ASSISTANCE TO PRISONERS THAN INCREASING CONSULAR STAFF. END SUMMARY.

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1. EMBASSY HAS CIRCULARIZED CONSTITUENT POSTS AND HAS THE FOLLOWING COMMENTS TO ASSIST DEPARTMENT IN REPLYING TO SPARKMAN/CASE LETTER TO PRESIDENT CARTER:

A. CURRENT STATUS OF TREATMENT OF AMERICAN PRISONERS IN MEXICO. EMBASSY'S MOST RECENT CONSOLIDATED REPORT ON PRISONER SITUATION WAS MEXICO 9237 OF

JUNE 7, PREPARED FOR DEPARTMENT'S REPORT TO THE FASCELL SUBCOMMITTEE AND SENATE FOREIGN RELATIONS COMMITTEE. INFORMATION REPORTED AT THAT TIME IS STILL GENERALLY ACCURATE. WE CONTINUE TO RECEIVE COMPLAINTS IN ALL MAJOR PROBLEM AREAS - MISTREATMENT AT TIME OF ARREST, EXTORTION IN PRISON, SUB-STANDARD PRISON CONDITIONS, LACK OF MEDICAL TREATMENT, INADEQUATE LEGAL DEFENSE - BUT ARE RECEIVING GOOD COOPERATION FROM MEXICAN AUTHORITIES IN WORKING OUT SOME OF THE MORE SERIOUS PROBLEMS. COMMENT IN THE COMMITTEE'S LETTER, TO THE EFFECT THAT CONDITIONS HAVE IMPROVED IN MEXICO CITY BUT NOT IN OUTLYING AREAS, APPEARS TO BE DIRECTED TOWARD LIVING CONDITIONS IN PRISONS. IF SO, THE OBSERVATION IS VALID. SUBSTANTIAL IMPROVEMENT IN PRISON CONDITIONS OUTSIDE MEXICO CITY WOULD REQUIRE ENOURMOUS EXPENDITURE OF FUNDS FOR CONSTRUCTION OF NEW PRISON FACILITIES, IMPROVED TRAINING AND SALARY SCALES FOR PRISON PERSONNEL, AND SUBSTANTIAL SUBSIDIZATION OF STATE FACILITIES BY FEDERAL GOVERNMENT. ON THE OTHER HAND, WE BELIEVE THAT REFORM EFFORTS OF ATTORNEY GENERAL FLORES, AND THE PRIORITY WHICH THE PRESENT ADMINISTRATION GIVES TO PRISONER PROBLEM, IS GRADUALLY BEING REFLECTED COUNTRY-WIDE THROUGH GREATER RESPONSIVENESS BY PRISON DIRECTORS AND

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LAW-ENFORCEMENT OFFICIALS TO COMPLAINTS FROM CONSULAR OFFICERS. CURRENT TRANSFER OF AMERICANS FROM PRISONS IN OUTLYING DISTRICTS TO MEXICO CITY AND OTHER CENTRAL POINTS, IN PREPARATION FOR TRANSFER TO U.S. UNDER THE TREATY WILL ALLEVIATE PROBLEM BY REDUCING THE NUMBER OF AMERICANS IN SUB-STANDARD PRISONS. (MEXICO 14133.)

B. ADDITIONAL ACTION/REPRESENTATIONS TO GOM

GIVEN THE ACUTE AWARENESS OF SENIOR MEXICAN OFFICIALS TO THE PRISONER PROBLEM AND THE CHANGE IN ATTITUDE AND POLICY WHICH WE HAVE SEEN OVER THE PAST EIGHT MONTHS, "URGENT REPRESENTATIONS" TO THE GOM ON THIS ISSUE, AS SUGGESTED BY THE COMMITTEE'S LETTER, APPEAR INAPPROPRIATE AT THIS TIME. THE PROBLEMS OF AMERICAN PRISONERS IN MEXICO ARE THE SUBJECT OF A CONSTANT AND CONSTRUCTIVE DIALOGUE BETWEEN THE EMBASSY AND SENIOR OFFICIALS OF THE MEXICAN GOVERNMENT. DURING THE MEETINGS OF THE SOCIAL AFFAIRS WORKING GROUP OF THE BILATERAL CONSULTATIVE MECHANISM, AUGUST 11-

12, USG REPRESENTATIVES STRESSED THE IMPORTANCE AND SENSITIVITY OF THE PRISONER ISSUE AND DISCUSSED THE CONTINUING PROBLEMS IN THIS AREA. GOM REPRESENTATIVES RESPONDED TO THE U.S. STATEMENTS IN A CONSTRUCTIVE AND UNDERSTANDING WAY, EMPHASIZING THEIR WILLINGNESS TO DISCUSS PROBLEMS AT ANY TIME.

WE WILL CONTINUE TO PRESS VIGOROUSLY FOR CORRECTIONS AND IMPROVEMENTS IN THE TREATMENT OF PRISONERS, BUT THE TONE OF OUR REPRESENTATIONS,

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TO BE EFFECTIVE, MUST REFLECT THE DEGREE OF COOPERATION WE ARE RECEIVING AND THE PRACTICAL LIMITS WITHIN WHICH THE MEXICAN GOVERNMENT CAN BE EXPECTED TO MOVE.

C. CONSULAR STAFFING FOR PRISONER SERVICES

1) THE SPARKMAN/CASE LETTER RAISES THE QUESTION OF THE ADEQUACY OF CONSULAR STAFFING TO PROVIDE PROMPT, EFFECTIVE ASSISTANCE TO DETAINED AMERICAN CITIZENS, AND SUGGESTS THAT TEN OR TWELVE ADDITIONAL QUALIFIED CONSULAR OFFICERS ARE NEEDED IN MEXICO. IT SEEMS TO US THAT WE ARE ALWAYS ENGAGED IN A CIRCULAR ARGUMENT WITH THE DEPARTMENT AND WITH CONGRESS ON THIS ISSUE. WE CANNOT ESTIMATE THE NUMBER OF CONSULAR OFFICERS REQUIRED FOR SERVICES TO AMERICAN CITIZENS, INCLUDING PRISONERS, WITHOUT SOME CONSENSUS WITHIN THE DEPARTMENT AND CONGRESS ON THE LEVEL OF SERVICES WHICH IS CONSIDERED APPROPRIATE. WE URGE THE

DEPARTMENT TO SEEK THE OPPORTUNITY OFFERED BY THE SPARKMAN/CASE LETTER, AND BY THE REVIEW OF THE CONSULAR FUNCTION REQUESTED BY THE FASCELL SUBCOMMITTEE (STATE 187731) TO TRY TO ESTABLISH SOME CONSENSUS WITH CONGRESSIONAL LEADERS ON THIS UNCLASSIFIED

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INCREASINGLY TROUBLESOME ISSUE.

2) AT THE PRESENT TIME, ALL POSTS IN MEXICO ARE ABLE TO PROVIDE REASONABLY GOOD ASSISTANCE TO PRISONERS WHEN FULLY STAFFED. PROLONGED STAFFING GAPS, WHICH ARE FREQUENT, CRIPPLE OUR CONSULAR OPERATIONS, ESPECIALLY AT SMALLER POSTS, WHEN THE ABSENCE OF ONE OFFICER REDUCES CAPACITY BY 33 TO 50. PRESENT LEVEL OF ASSISTANCE TO PRISONERS INCLUDES PROMPT ASSISTANCE AT TIME OF ARREST (WITHIN 24 TO 48 HOURS OF NOTIFICATION); VISITS AT LEAST MONTHLY TO EVERY PRISON AND WEEKLY TO MAJOR INSTITUTIONS; SUBSTANTIAL EFFORTS TO PRODUCE ATTORNEYS, VERIFY STATUS OF TRIAL, RECOVER POSSESSIONS, OBTAIN ACCURATE WORK CREDITS; AND ASSISTANCE IN OBTAINING NEEDED MEDICAL CARE AND IN PROVIDING FOOD SUPPLEMENTS. THE DEPARTMENT'S RECENT DECISION TO APPROVE OUR REQUEST FOR CONSULAR AGENTS WILL ENABLE US TO IMPROVE THESE SERVICES. WITH ADDITIONAL OFFICERS WE COULD INCREASE THE FREQUENCY OF VISITS, IMPROVE OUR CONTACTS WITH KEY OFFICIALS, IMPROVE THE PROMPTNESS AND FOLLOW-UP ON PROTESTS AND COMPLAINTS, AND PERHAPS ASSIST WITH MANY SMALLER SERVICES WHICH MUST SOMETIMES BE DROPPED BECAUSE OF WORKLOAD PRESSURES. WITH OUR PRESENT PRISONER CASELOAD, WE COULD PERHAPS USEFULLY EMPLOY AN ADDITIONAL SIX OR SEVEN OFFICERS COUNTRY-WIDE TO PROVIDE INCREASED SERVICES ALONG THESE LINES.

3) EVEN WITH DOUBLE THE NUMBER OF CONSULAR OFFICERS IN MEXICO, HOWEVER, THERE IS A LIMIT TO WHAT WE CAN HOPE TO ACHIEVE IN TERMS OF PRACTICAL

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IMPROVEMENTS IN THE PRISONER'S SITUATION. CONSULAR OFFICERS, NO MATTER HOW NUMEROUS OR HOW DEDICATED, CANNOT PROVIDE THE ADEQUATE LEGAL COUNSEL THAT IS LACKING, OR IMPROVE THE QUALITY OF THE

JUDICIAL PROCESS IN MEXICO, OR PROVIDE ADEQUATE FOOD AND MEDICAL CARE (EXCEPT WITHIN THE NARROW LIMITS OF THE NEW EMERGENCY PROGRAM), OR IMPROVE THE QUALITY OF THE PHYSICAL PLANT OR PROFESSIONAL STAFF OF THE PRISONS, OR PREVENT OCCASIONAL PHYSICAL ABUSE OR EXTORTION ATTEMPT. IF THE U.S. GOVERNMENT IS WILLING TO SPEND SUBSTANTIAL FUNDS ON IMPROVING THE ASSISTANCE PROVIDED AMERICANS ARRESTED IN MEXICO, PROBABLY THE MOST EFFECTIVE MEANS WOULD BE TO HIRE COMPETENT MEXICAN LAWYERS ON CONTRACT TO OVERSEE THEIR LEGAL DEFENSE. THE COST WOULD BE HIGH, BUT THEY COULD PROVIDE ASSISTANCE WHICH NO AMOUNT OF CONSULAR OFFICERS COULD PROVIDE. THOMPSON

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